IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 22940 of 2005

Between:

Mohd.Yaseen

..... PETITIONER

AND

The Station House Officer,

Narsingi Police Station,

Ranga Reddy District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in interfering with the civil disputes existing between the petitioner and the 2nd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Home.

The petitioner is the President of the Managing Committee Graveyard, Manchirevulu village, Rajendra Nagar Mandal, Ranga Reddy District. The graveyard is situated in Sy.No.491 in an extent of Ac.2-03 guntas and it is notified as Wakf propertyand published in the A.P. Gazette No.6-A, dated 09.02.1989. It is stated that the 2nd respondent association has been obstructing the Muslim community and also trying to encroach the part of the graveyard, and therefore, he filed a suit in O.S.No.55 of 2005 before the A.P.Wakf Tribunal, Hyderabad, wherein the Tribunal passed ad-interim injunction in I.A.No.290 of 2005, by its order dated 22.06.2005, restraining the 2nd respondent from making any encroachment over the burial ground land. It is further stated that on the instigation of the 2nd respondent, the 1st respondent has been calling the petitioner and pressurizing him to settle the civil suit, and therefore, the petitioner is constrained to file this writ petition.

Unless there is a complaint filed against the petitioner, the police cannot interfere with the civil disputes existing between the petitioner and the 2nd respondent. If there is a complaint filed against the petitioner, it is always open to the 1st respondent to register the same and investigate into the matter. But without registering any crime against the petitioner, the 1st respondent cannot interfere with the right and liberty of the petitioner, more so, in civil disputes.

Having regard to the facts and circumstances of the case, the
1st respondent is directed not to interfere with the civil disputes existing in between the petitioner and the 2nd respondent by calling the petitioner to the Police Station

frequently. This order does not preclude the

1st respondent to register a crime and investigate into the matter, if there is any complaint filed against the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 25.10.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr